

Supplemental Amendment and Response

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Serial No.: 09/821,669

Confirmation No.: 4980

Filed: 29 March 2001

For: METHOD FOR MAKING A STEM WEB

Remarks

This Supplemental Amendment and Response is submitted in the above-identified patent application along with a Request for Continued Prosecution. Applicants have canceled claim 21, and are submitting amendments to claims 11 and 42 along with new claims 59-70. Upon entry of this paper, claims 11, 13-15, 22-32, and 34-70 will be pending in the present application. Reconsideration and withdrawal of the rejections are respectfully requested as discussed herein.

Allowable Claims

Applicants thank the Examiner for notification to the effect that claims 32, and 34-40 are allowable and that claim 14 would be allowable if rewritten in independent form.

New Claims 59-70

New claims 59-70 are presented to provide additional protection for the disclosed inventions.

Support for new claims 59-70 can be found in the application as filed at, page 4, lines 16-29; page 7, line 22 to page 8, line 9; Figure 1; and the examples.

The 35 U.S.C. §112, First Paragraph, Rejections

Applicants addressed the Written Description and Enablement rejections in the Amendment and Response filed on July 6, 2004. Applicants respectfully ask that the Examiner consider analyses and arguments presented therein when reconsidering the § 112 rejections set forth in the previous Office Action. Withdrawal of those rejections are respectfully requested.

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The 35 U.S.C. §102 Rejections**Claims 11, 13, 22, 25-31, and 41**

Applicants respectfully submit that the amendments to independent claim 11 render the anticipation rejection of claim 11 (and its dependent claims 13, 22, 25-31, and 41) over Murasaki et al. (U.S. Patent No. 5,643,651) moot.

The revised version of claim 11 recites formation of discrete polymeric regions on only one surface of a web in contrast to the encapsulated webs taught by Murasaki et al. Support for the amendments can be found in Figure 1, as well as throughout the specification and examples.

As a result, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 11, 13, 22, 25-31, and 41 under § 102 in view of Murasaki et al.

Claims 11, 13, 22, 24, 28, and 41

Applicants respectfully submit that the amendments to independent claim 11 render the anticipation rejection of claim 11 (and its dependent claims 13, 22, 24, 28, and 41) over Hasegawa et al. (JP 8-187113) moot.

The revised version of claim 11 recites formation of discrete polymeric regions on only one surface of a web in contrast to the coextruded web construction taught by Hasegawa et al. (*see, e.g.*, Hasegawa et al. Translation, ¶ 0011, p. 4) in which fastening sections are coextruded with a central section of a web.

As a result, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 11, 13, 22, 24, 28, and 41 under § 102 in view of Hasegawa et al.

Claims 42, 45, 48, and 49

Applicants respectfully submit that the amendments to independent claim 42 render the anticipation rejection of claim 42 (and its dependent claims 45, 48, and 49) over U.S. Patent No. 5,643,651 to Murasaki et al. moot.

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The revised version of claim 42 recites "pressing the web and the plurality of discrete polymeric regions located on the first major surface of the web against the surface of the tool roll." In contrast, Murasaki et al. teaches encapsulating a web by extruding molten polymer through the web as depicted in Figure 1. As a result, Murasaki et al. does not teach the method recited in revised claim 42. Support for the amendments to claim 42 can be found in application as filed at, e.g., page 7, line 22 to page 8, line 9, as well as in the examples.

As a result, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 42, 45, 48, and 49 under § 102 in view of Murasaki et al.

The 35 U.S.C. §103 Rejections

To the extent that any of the rejections set forth in the previous Office Action apply to the claims pending after entry of this response, Applicants hereby draw the Examiner's attention to the arguments previously presented.

More specifically, Applicants note that independent claims 11 and 42 have been amended as discussed above in connection with the anticipation rejections, thereby rendering the obviousness rejections of claims 15, 23, 24, 26, 27, 29-31, 43, 44, 46, and 47 (all dependent from either claim 11 or claim 42) moot.

Reconsideration and withdrawal of the rejections of claims 15, 23, 24, 26, 27, 29-31, 43, 44, 46, and 47 under § 103 are, therefore respectfully requested.

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Summary

It is respectfully submitted that the pending claims 11, 13-15, 22-32, and 34-70 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for
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By

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6 OCTOBER 2004
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CERTIFICATE UNDER 37 CFR §1.8

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6th day of October, 2004, at 4:49 p.m. (Central Time).

By: Name: Rachel Bagliardi Gebhardt